

§ 470w-6. Effective date of regulations**(a) Effective date of final regulations**

No final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) Disapproval of regulation by resolution of Congress

The regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: “That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of _____, which regulation was transmitted to Congress on _____,” the blank spaces therein being appropriately filled.

(c) Failure of Congress to adopt resolution of disapproval of regulation

If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) Sessions of Congress

For the purposes of this section—

- (1) continuity of session is broken only by an adjournment sine die; and
- (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

(e) Congressional inaction or rejection of resolution of disapproval not deemed approval of regulation

Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

(Pub. L. 89-665, title III, §307, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3004; amended Pub. L. 103-437, §6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(O), (2)(E), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 106-176, title I, §120(a)(2), Mar. 10, 2000, 114 Stat. 28; Pub. L. 106-208, §5(a)(11)-(13), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-208, §5(a)(11), substituted “No final regulation” for “Except as provided in subsection (b) of this section, no final regulation”.

Pub. L. 106-176 made technical correction to directory language of Pub. L. 104-333, §814(d)(2)(E). See 1996 Amendment note below.

Subsec. (b). Pub. L. 106-208, §5(a)(13), redesignated subsec. (c) as (b).

Subsec. (c). Pub. L. 106-208, §5(a)(13), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 106-208, §5(a)(12), which directed the amendment of subsec. (c) by substituting “The regulation” for “Except as provided in subsection (b) of this section, the regulation”, was executed by making the substitution for text that did not include the phrase “of this section”.

Subsecs. (d) to (f). Pub. L. 106-208, §5(a)(13), redesignated subsecs. (d) to (f) as (c) to (e), respectively.

1996—Subsec. (a). Pub. L. 104-333, §814(d)(2)(E), as amended by Pub. L. 106-176, struck out first two sentences which read as follows: “At least thirty days prior to publishing in the Federal Register any proposed regulation required by this subchapter, the Secretary shall transmit a copy of the regulation to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register.”

Subsec. (b). Pub. L. 104-333, §814(d)(1)(O), struck out subsec. (b) which read as follows: “In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) of this section if the Secretary notified in writing the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.”

1994—Subsecs. (a), (b). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 470w-7. Historic lighthouse preservation**(a) In general**

In order to provide a national historic light station program, the Secretary shall—

- (1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;
- (2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;
- (3) sponsor or conduct research and study into the history of light stations;
- (4) maintain a listing of historic light stations; and
- (5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

(b) Conveyance of historic light stations**(1) Process and policy**

Not later than 1 year after October 24, 2000, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.

(2) Application review

The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be “excess property” as that term is defined in section 102(3) of title

40, and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(3) Conveyance of historic light stations

(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) of this section after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383).

(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) of this section and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) of this section and subsection (c)(2) of this section and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this subchapter, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

(c) Terms of conveyance

(1) In general

The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, replace, or install any

Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this subchapter, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

(2) Maintenance of aid to navigation

Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to

navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14 to the eligible entity.

(3) Reversion

In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this subchapter, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(F) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

(4) Light stations originally conveyed under other authority

Upon receiving notice of an executed or intended conveyance by an owner who—

(A) received from the Federal Government under authority other than this subchapter an historic light station in which the United States retains a reversionary or other interest; and

(B) is conveying it to another person by sale, gift, or any other manner,

the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Fed-

eral agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.

(d) Description of property

(1) In general

The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

(2) Artifacts

Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

(3) Covenants

All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(4) Submerged lands

No submerged lands shall be conveyed under this section.

(e) Definitions

For purposes of this section:

(1) Administrator

The term "Administrator" shall mean the Administrator of General Services.

(2) Historic light station

The term "historic light station" includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the "historic light station" shall be included in or eligible for inclusion in the National Register of Historic Places.

(3) Eligible entity

The term "eligible entity" shall mean:

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

(i) has agreed to comply with the conditions set forth in subsection (c) of this section and to have such conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c) of this section.

(4) Federal aid to navigation

The term “Federal aid to navigation” shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 89-665, title III, § 308, as added Pub. L. 106-355, § 2, Oct. 24, 2000, 114 Stat. 1385; amended Pub. L. 106-400, § 2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 108-293, title VI, § 627, Aug. 9, 2004, 118 Stat. 1066.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (b)(3)(A), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended, which is classified principally to chapter 119 (§11301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

Section 416(d) of the Coast Guard Authorization Act of 1998, referred to in subsec. (b)(3)(A), is section 416(d) of Pub. L. 105-383, which is set out as a note under section 93 of Title 14, Coast Guard.

CODIFICATION

In subsec. (b)(2), “section 102 of title 40” substituted for “the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e))” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2004—Subsec. (c)(4). Pub. L. 108-293 added par. (4).

2000—Subsec. (b)(3)(A). Pub. L. 106-400 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 470w-8. Historic light station sales

(a) In general

In the event no applicants are approved for the conveyance of a historic light station pursuant to section 470w-7 of this title, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 470w-7, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2), of this title. Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) Net sale proceeds

Net sale proceeds from the disposal of a historic light station—

(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant¹ Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) [16 U.S.C. 5401 et seq.] within the Department of the Interior; and

(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard’s Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.

(Pub. L. 89-665, title III, § 309, as added Pub. L. 106-355, § 3, Oct. 24, 2000, 114 Stat. 1389.)

REFERENCES IN TEXT

The National Maritime Heritage Act of 1994, referred to in subsec. (b)(1), is Pub. L. 103-451, Nov. 2, 1994, 108 Stat. 4769, as amended, which is classified generally to chapter 74 (§5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PART D—NATIONAL CENTER FOR PRESERVATION TECHNOLOGY AND TRAINING

§ 470x. Findings

The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national

¹ So in original. Probably should be “Grants”.